IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

–

WRIT PETITION NO : 12162 of 2005

Between:

Vemuri Venkata Subba Rao, S/o. Venkateswarlu,
Kolachanakota Vill, Maddipadu Mandal, Prakasam

District.

..... PETITIONER

AND

1 The Joint Collector, Prakasam District, Ongole.
2 The Revenue Divisional Officer, Ongole, Prakasam District.
3 The Mandal Revenue Officer, Maddipadu Mandal, Prakasam District.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of mandamus declaring the order of the R.D.O. Ongole in D.Dis. C. 1468/204, dated 5.5.2005 as illegal, contrary to the provisions of A.P. State Public Distribution System Control Order, 2001, arbitrary and without jurisdiction and consequently direct the respondents that the petitioner be entitled to function as F.P. Shop Dealer of Kolachanakota (V), Maddipadu Mandal, Prakasam District, pending disposal of the appeal filed by the petitioner before the Joint Collector, Prakasam, Ongole.

Counsel for the Petitioner: MR.I.GOPAL REDDY

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court at the admission stage made the following:

ORDER:

The petitioner is an authorisee of the fair price shop in Kolachanakota village of Maddipadu Mandal, Prakasham District.

2. On allegations of certain irregularities have been committed in the distribution of essential commodities supplied to him, the petitioner's authorization was suspended on 30.10.2004, and eventually final orders of cancellation of authorization were passed by the second respondent on 05.05.2005. Against the orders of the cancellation, the petitioner preferred an appeal to the first respondent on 12.05.2005 along with an application for stay of the second respondent's order of cancellation of authorization, but no decision has been taken by the first respondent on the petitioner's appeal or on the interlocutory application for stay, is a complaint in this Writ Petition.

3. In this Writ Petition it is additionally contended that the primary order of cancellation of authorization by the second respondent is patently illegal, as it was not preceded by a reasonable opportunity afforded by the petitioner. This Court is not inclined to go in to this aspect as the petitioner has alternative appellate remedy by way of appeal to the first respondent, which he has already pursued.

4. On the aforesaid analysis, the writ petition is disposed of directing the first respondent to dispose of the appeal expeditiously, and in any case within the period of two months from the date of receipt of a copy of this order.

10-06-2005

kvrm

Note : CC in one week

B/o.

Kvrm

To

1 The Joint Collector, Prakasam District, Ongole.
2 The Revenue Divisional Officer, Ongole, Prakasam District.
3 The Mandal Revenue Officer, Maddipadu Mandal,

Prakasam District.

4. 2 CCs to G.P. for Civil Supplies, High Court Buildings,

Hyderabad (OUT)

5. 2 CD copies.